

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - A.P.Civil Services (Executive Branch) Rules, 1992 - Promotions of Tahsildars, Section Officers of Secretariat and Superintendents of office of the Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad as Deputy Collectors as per seniority - Promotions - Accorded - Orders - Issued.

REVENUE (SER.I) DEPARTMENT

G.O. Ms. No. 54

Dated : 21.01.2012.

Read the following :-

1. G.O.Rt.No.2165, Revenue (Ser.I) Department, dated : 2.12.2011.
2. From the Spl.CS & Chief Commissioner of Land Administration, Lr.No. D1/1678/2011, dated : 02.01.2012.
3. OA No. 8793 /2011 filed by Sri V.Devendra Reddy, Special Tahsildar, Tirupati, dated : 16.11.2011.

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ORDER :

In the reference 1st read above, Government have accorded adhoc promotions to the 32 Tahsildars including Section Officers and Superintendents to the category of Deputy Collectors for the panel year 2011-12, basing on the seniority list proposed by Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad.

2. In the reference 2nd read above, the Special Chief Secretary and Chief Commissioner of Land Administration has furnished the minutes of Departmental Promotion Committee (Review) convened on 31.12.2011 and stated that earlier the name of Sri V.Devendra Reddy, Special Tahsildar, TUDA, Tirupati, has come up in zone of consideration and placed before the DPC and the DPC passed over the name of Sri V.Devendra Reddy, Special Tahsildar on the grounds that the punishment imposed on him in a disciplinary case was subsisting. Subsequently he has filed OA before the Hon'ble APAT and the Hon'ble APAT in its orders dated 16.11.2011 in OA No. 8793/2011 directed the 2nd respondent i.e., Spl.CS & CCLA to consider the representation of the applicant dated 8.11.2011 and pass appropriate orders as per rules and as per merits within a period of two weeks from the date of receipt of this order. The candidature of Sri V.Devendra Reddy, Special Tahsildar, TUDA, Tirupati was placed before the DPC (Review) in circulation and DPC (review) was pleased to include his name at Sl.No. 3/1 against the roster point 46/1, below the name of Sri K.Subba Rao at Sl.No.3 and above the name of Sri K.Chandra Reddy at Sl.No.4 in the panel of Deputy Collector in the panel of Deputy Collectors for the year 2011-2012, as per the orders dated 16.11.2011 in OA No. 8793/2011 of Hon'ble Tribunal.

3. Sri S.Dayanand, Special Grade Deputy Collector filed OA No. 8082/10 in the Hon'ble APAT and the Hon'ble Tribunal in its interim orders dated 19.11.2010 has directed to consider the recommendations of the High Level Committee to accommodate the employees who are likely to be reverted in the available vacancies and the desirability of creating supernumerary posts. Sri S.Dayanand has also filed WP No. 29053/10 in the Hon'ble High Court and the Hon'ble High Court in its interim orders in WP MP No. 37015/10 dated 01.12.2010 directed the respondents to effect the promotions based on the seniority list but however, shall not review the panel, pending further orders and stated that the adhoc panels of Deputy Collectors from the panel year 1998-99 and onwards have been reviewed.

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4. The issue has been examined earlier, in consultation with the Law Department and they have advised that due to interim orders of the Hon'ble High Court, there is no objection to accord promotion to the category of Deputy Collectors, basing on the seniority list issued and not permissible to review the panels of the Deputy Collectors so long as the interim orders are in force. As per advice of Law Department the names of Tahsildars, Section Officers and Superintendents included in the panel of 2010-11 were considered for grant of temporary promotions to the category of Deputy Collectors as per seniority subject to outcome of the court cases.

5. Further, the interim orders of Hon'ble APAT dated 8.10.2010 and 11.2.2011 in OA No. 7002/2010 filed by Sri Ch.Srinivasulu, Tahsildar, Mahabubnagar District and in OA No. 686/2011 filed by Sri B.Kishan Rao, Tahsildar, Mahabubnagar District respectively, may not have any impact on the minutes of DPC held on 20.11.2010 to the extent of effecting promotions of Tahsildars as Deputy Collectors in view of interim orders dated 01.12.2010 of the Hon'ble High Court in WP MP No. 37015/2010 in WP No. 29053 /2010.

6. The provisions of Rule 5 of the A.P.State & Subordinate Service Rules, 1996 is as follows :-

"SELECTION POSTS : (a) All first appointments to a State Service and all promotions / appointment by transfer in that service shall be made on grounds on merit and ability, seniority being considered only where merit and ability are approximately equal, by the appointing authority as specified in sub-rule (a) of rule 6 from the panel of candidates. Such panel shall be prepared as laid down in rule 6 by the appointing authority or any other authority empowered in this behalf.

Keeping in view of the above rule position, all promotions to the State services shall be made after approval of the DPC proceedings. In the instant case, it becomes not feasible to approve the DPC proceedings in view of the Hon'ble High Court interim orders dated : 01.12.2010 in WP.MP.No. 37015/ 2010 in WP No.29053/2010. The Law Department has also advised to accord promotion to the category of Deputy Collectors basing on the seniority list.

7. The Government after careful examination and on the analogy of the orders issued in G.O.1st read above, the name of Sri V.Devendra Reddy, Spl.Tahsildar hereby considered for inclusion his name at Sl.No.3/1, below the name of Sri K.Subba Rao at Sl.No.3 and above the name of Sri K. Chandra Reddy at Sl.No.4 in the panel of Deputy Collector for the year 2011-2012, basing on the seniority list proposed by Special Chief Secretary & Chief Commissioner of Land Administration in his letter dated : 02.01.2012 with the following condition :-

"subject to outcome of OA No. 8082/ 10 and WP No. 29053/ 10 pending in the APAT, the High Court respectively and any other cases pending before any court of law."

8. The posting orders to the individual will be issued separately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRL.SECRETARY TO GOVERNMENT

To
The Spl.CS & Chief Commissioner of Land Administration, Hyderabad.
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER